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CIVIL AFFAIRS INFORMATION GUIDE
The Department as a Unit of Administration in France

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Research and Analysis Branch

Office of Strategic Services

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SUMMARY

1. The Vichy regime has greatly increased the powers of the central government over the units of local government. It has also attempted to make sure that governmental positions are filled with loyal followers of Marshal Pétain. While Vichy has not been able to find enough such men to take care of all governmental positions, it has succeeded in filling the important posts in the prefectoral administration and other units of French local government.

2. Upon the liberation of France the organizational changes made by Vichy will probably be discarded and the collaborationist personnel in the government will be purged. The French were on the whole well satisfied with the organization of local government as it existed under the Republic, and the changes made in these institutions will inevitably be associated with the hard times and administrative confusion of the Vichy regime.

3. The pattern of French local government under the Republic was determined by national law. Each of the ninety departments (except Seine) had the same governmental structure. At its head there was a prefect appointed by the central government. The prefect, an official of the highest political and administrative importance, represented the interests of the state within the department. He exercised a close supervision over local government, especially in regard to financial affairs.

4. The representative body of the department was the General Council, which was elected by universal male suffrage. Its deliberations covered all matters relating exclusively to the department. Where the interests of the state were also concerned, the decision of the General Council was subject to approval by the appropriate official of the central government. The Council's decisions were executed by the prefect. As the General Council was not in session during the greater part of the year, it elected from among its own members a Departmental Commission to keep watch over the prefect's handling of the department's interests. This commission met monthly.

5. Field services of agencies of the national government operated within the departments. Generally these services used the department as an important unit in their organization but there was an increasing tendency to use a region composed of several departments as the administrative unit. This trend was encouraged by the fact that, in regard to these national services, the department was too small for administrative efficiency.

6. Within the department were the arrondissement, the canton, and the commune. The commune, which was the basic unit of French local government, was governed by an elected council and a mayor elected from within that council. The city of Paris differed markedly from other communes in its form of government.

THE DEPARTMENT AS A UNIT OF ADMINISTRATION IN FRANCE

I. INTRODUCTION

A. Description of the Department

The major political and territorial subdivision in France is the department (*département*). In 1939 there were ninety in France (including Corsica). Considerable differences in size exist. Though the average department has an area of 6,000 square kilometers,[1] Gironde has over 10,000 square kilometers, while Rhône has slightly under 3,000. The differences in wealth and population are even more marked: Nord, for example, is twenty times more populous than Lozère, and pays into the public treasury over a hundred times more taxes.

B. Stability of the Department as a Unit of Government

France has been divided into departments since 1790. Though the departments have often been criticized as arbitrarily delineated, the system of departments has come to take root in France and has proved resistant to fundamental alteration. Thus, even though Marshal Pétain favored plans for a return to a system of provinces, he did not dare to eliminate the department; neither has the French Committee of National Liberation entertained projects of substantial reform in this field. Consequently an understanding of the pattern of local government in post-liberation France, demands some knowledge of the department as it operated in the France of the Third Republic as well as under Vichy.

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[1] A square kilometer equals 0.3861 sq.mi.

C. Lesser Governmental Units within the Department

Each department is subdivided into arrondissements, each arrondissement into cantons, and each canton into communes. Of these the commune is the most important. In Republican France villages, towns, and cities all were communes, and had, with the exception of Paris, Lyon, and Marseille identical forms of government.

D. Relations between National and Local Government in Republican France

1. Local Government and National Law. The organization of French local government was determined by the legislation of the central government. The basic national law governing the organization of the department was that of 10 August 1871, while the basic law governing the commune was enacted 5 April 1884. Since national legislation was the framework within which French local government was formed, local governments were uniform in their structure. There was only one type of department in France. The departmental officials of one department had the same titles, powers, and duties as the officials in every other department. The identical national laws applied, and the administrative arrangements were the same, except for the Seine Department, whose special organization will be discussed below.

2. The Principle Governing the Relationship between National

and Local Governments. The generalisation is often made that France under the Third Republic was a unitary, highly centralized state. While there is much truth in this statement, it is nevertheless a fact that there was in Republican France a considerable measure of independence and freedom in local government. In matters which exclusively interested the department and the commune, the deliberative organs of those two governmental units had great powers. Where the interests of the state were mingled with those of local governments, the state insisted upon at least a voice, and quite often the power of ultimate decision. To have allowed the communes and departments complete freedom from the control of higher governmental agencies could in French opinion have ended only in chaos.

3. The "Tutelle Administrative." In order to protect the interests of the state, its superior authorities were given certain limited powers of control over the agents and acts of local governments. The ensemble of these limited powers was known as the tutelle administrative. However, these legal powers which the central government possessed were not always fully utilized. More and more the exercise of the tutelle came to be restricted to those acts of local government which could be legally attacked, while the decision on the expediency of the acts was left to the discretion of the local governments.

E. Advantages of the Department as an Administrative Unit

1. Unifying Influence. Prior to the institution of the

department in 1790, France was a tangle of conflicting jurisdictions, functions, and administrative areas. This situation was further complicated by the special rights and privileges of various provinces and cities. The creation of the system of uniform departments helped greatly to weld France together.

2. Convenience for the Central Government. Furthermore the system of departments was advantageous from the point of view of the central government. Since all the departments had the same administrative organization, operated under the same procedures, and even used the same paper forms, the task of the central government was greatly simplified. Civil servants were completely interchangeable. Instructions were more easily issued, results more easily checked. In general all types of administrative procedures were facilitated.

F. Disadvantages of the Department as a Unit of Administration

1. The Department and Administrative Centralization. Most of the criticism directed at the department was aimed at the excessive centralization of French government during the Third Republic. The prestige of the department as a governmental unit was inevitably diminished by the fact that in many cases decisions on local matters could not be made by its officials.

For example, if a citizen requested permission to build along a public canal, the prefect of the department had to refer the request to Paris. It was not uncommon for a year to elapse before a definite answer was received. If the forms were not properly filled out, or if there were errors in transmission, a much longer period was likely to **go by.** This aspect of French government, described as "apoplexy at the center, paralysis at the extremities," was one of the chief complaints against the Third Republic.

2. Inadequate Size of the Department. From the standpoint of administrative efficiency the department has proved to be too small. The great improvements in transportation and communication during the nineteenth century made larger administrative units not only feasible but desirable. Due to inertia, many services of the national government have continued to retain the department as a major unit in their framework of organization, even though this policy caused a waste of manpower and materials. However, a tendency has developed to use regions larger than the department. For example, France was divided into sixteen areas for purposes of higher education and fifteen for purposes of a social-insurance system.

3. Lack of Administrative Flexibility. Finally, there were some disadvantages to the legal uniformity which was imposed on the departments. Since the basic organization of the departmental administration was determined by law for all of France, it was impossible to adapt to local needs the hierarchical arrangements of the department. This lack of flexibility in the organization of the prefectoral administration caused some departments to have more officials, and others less, than the importance and the amount of administrative work demanded.

II. ROLE OF THE DEPARTMENT AS A GOVERNMENTAL UNIT IN THE THIRD REPUBLIC

A. Restricted Scope of the Department's Functions

The governmental functions of the department were substantially limited to the upkeep of departmental public buildings, the maintenance of second-class roads and railroads of local interest, and the supervision of public welfare. These were the tasks with which the department proper was mainly concerned. The commune was entrusted with the responsibility for purely local governmental functions, such as local public utilities, while national interests, such as foreign affairs, colonies, army and navy/were in the hands of the central government.

B. Necessity for State Subventions

Even for these limited tasks the individual departments often did not possess the necessary resources, and the central government of the Republic had to set aside large sums to help the departments. Subventions were granted by the state for a variety of special purposes, such as unemployment relief and the care of dependent children. In addition, the poorest departments received special subventions.

C. Joint Departmental Enterprises

For public works projects such as rural electrification, which required an area of operation larger than a single department, the departmental boundaries proved to be disadvantageous. To remedy this situation, the Third Republic encouraged the departments to form ad hoc unions for carrying out projects which were not practicable for single departments. But though in theory it thus became possible for departments to unite in a common public enterprise, in practice the administrative delays and interminable negotiations made such unions infrequent.

III. PREFECT'S POSITION IN THE THIRD REPUBLIC

A. Selection

The prefect, the most important governmental official of the department, was appointed formally by the President of the Republic, but the actual choice was made by the Minister of the Interior. The post of prefect was considered purely political, and no qualifications of education or experience were required until 1934, when a decree was issued stipulating that no one could be appointed prefect who had not already been a sub-prefect or a secretary general.

B. Prestige of the Office

The prefect has always been a powerful official in the government of France. Considerable prestige attached to his office, symbolized by the ornate uniform which he was entitled to wear. He was one of the best-paid functionaries, and was lodged at the expense of the department in the hotel de préfecture.

C. Politics and the Prefectoral Position

The prefect had no rights of tenure. At the will of the Minister of the Interior he could be removed from office or put in a state of temporary retirement, which meant that he was relieved of all duties and received only part pay. As a political agent he was supposed to support loyally the policies of the ministry in power. Under these conditions, a turnover of prefects accompanied each major change in the political orientation of the government. It was unusual for prefects to be dismissed, but transfers, promotions, and demotions were numerous.

D. The Prefect as Agent of the Central Government

1. Gathering and Transmission of Information. The prefect was required to keep the government informed of what was going on in his department. He kept in constant communication with the Minister of the Interior and periodically furnished the latter with a detailed report on the political, administrative, and economic situation of his department. He brought to the attention of the government reforms and changes necessary in the administration of the department. He maintained voluminous individual files (*dossiers*) on everybody of importance in his department.

2. Execution of National Laws and Regulations. The prefect took whatever steps were necessary to ensure the execution throughout the department of the laws, decrees, regulations, and ministerial instructions of the government. He notified local authorities and others concerned when a particular measure affected them. He received from the government instructions for the applications of new laws, and, if such action was indicated, issued regulations for the execution of any law or decree. When acting in this capacity he was bound by the orders not only of the Minister of the Interior but of

all the ministers acting within the scope of their particular fields of competence. It should be noted that the prefect did not possess any independent power to issue ordinances on his own authority. His powers in this respect were limited to issuing rules in the execution of specific laws and decrees.

3. Appointment of Government Employees. The prefect appointed officially most of the state and departmental personnel within the department. He ordinarily accepted the recommendation of the chief of the particular service in which the appointee was to work, so that his function was more often one of approval than of appointment. The particular categories of employees which the prefect could appoint included elementary school teachers, postal, telephone, and telegraph employees, workers on roads and bridges, and most of the agents of public charitable institutions.

4. Administration of State Services. The prefect was in charge of the principal state services within the department, such as public assistance, primary instruction, water, roads, and public works. He also kept a watchful eye upon the services not under his direct charge, such as the postal, telephone, and telegraph services of the state. In theory, the chain of authority between the field service of a technical branch and its headquarters in Paris ran through the prefect's office.

However, the reality of the relationship increasingly belied this theory. Improved communications made it feasible for the field members of technical services to communicate directly with Paris, and to by-pass the prefect. Thus was lost one of the advantages of the prefectoral system -- coordination on the departmental level of the services of the state.

5. Legal Representation. The prefect represented the state legally. He was the official signatory of contracts and leases. In both ordinary and administrative courts he represented the state as plaintiff and as defendant.

6. Maintenance of Public Order. The prefect was responsible for public order and security within the department. He could call upon the forces of public order to assist him. He was even an officer of the judicial police *ex officio*, but he rarely used this power.

7. Exercise of the Tutelle Administrative. The prefect exercised the *tutelle administrative* over the general council of his department. He or his sub-prefect also exercised the *tutelle* over the communes and public establishments within the department.

8. The Prefect as Intermediary. In principle the prefect acted as intermediary between individual citizens and the central government. All letters and complaints destined for the various ministers were routed through him. Any problem

which required ultimate decision by a minister had to be examined first by the prefect in the department of origin. The prefect gave his advice on the matter and suggested to the minister a course of action.

E. The Prefect as Agent of the Department

1. Relations with the General Council. The prefect was also the executive agent of the department. Here, however, his authority was limited, for the law of 10 August 1871 gave the elected General Council large power in the government of the department.

2. Duties and Powers of the Prefect as Agent of the Department.

a. Preparation of Agenda. The prefect examined and gave his opinion on the business of the department. The General Council could not validly arrive at a decision on any matter which had not first been examined by the prefect. The preparation of the departmental budget was among the duties of the prefect.

b. Execution of Laws. The prefect was the chief of the departmental administration. He was responsible for executing the decisions of the General Council and the Departmental Commission.

c. Legal Representation. The prefect represented the department in its character as a legal entity.

F. Control over the Prefect

1. The Ministry. Though an important and powerful figure in the Third Republic, the prefect was subject to a

considerable amount of political control. He depended upon the Minister of the Interior; the Minister of the Interior depended upon the votes of the deputies; and the deputies depended upon the votes of their electors in the departments. The trend was for the deputy to become the intermediary between the prefect and the citizens of the department. If a Frenchman needed the permission of the prefect, he would ask his deputy to intervene in his behalf; the latter would communicate with the Minister of the Interior, who, if he wished to retain the deputy's support, would ask the prefect to grant the permission needed.

As a result the value of a prefect to the Ministry of the Interior was to some extent determined not merely by the efficiency which he showed in administering his department, but also by the skill he demonstrated in furthering the election of deputies and senators favored by the Minister of the Interior, and the defeat of candidates opposed by him. To a lesser degree the prefect could be influenced by other ministers in the cabinet, and appeals could be taken to them on matters within their competence.

2. The Departmental Commission. The law of 10 August 1871 provided for the establishment of the Departmental Commission (commission departementale). (See below, p. 19.) The latter

maintained a close surveillance over the activities of the prefect, especially in his handling of the departmental finances.

3. Departmental Contributions to the Prefect's Salary. Control by the department over the prefect was increased by the fact that after World War I the departments were often substantial contributors to the prefect's salary. The diminished value of the franc had cut the real value of the prefect's salary, and the government was slow in making the necessary adjustments in the salaries of its employees. This caused such genuine hardship that the departments in many instances voluntarily voted a supplement to the prefect's pay.

4. Legal Recourse. The people were protected against illegal use of the prefect's powers. The prefect was suable in administrative law when he acted without legal right, or when he abused his legal right.

C. The Prefectoral Staff

1. The Secretary General. At the top of the hierarchy of the prefectoral staff in each department was the secretary general (*secrétaire-général*), a combination of chief clerk and executive officer. Formally appointed by decree, he was actually chosen by the Minister of the Interior. The prefect could delegate to him certain functions, such as taking the place of the prefect at meetings of the General Council.

2. The Prefect's Private Secretary. The prefect also had a private secretary (*chef de cabinet*). The latter did mainly political work. He prepared confidential notes and political

memoranda, as well as nominations for state awards, such as, the Legion of Honor. The chef de cabinet was a training post which led ordinarily to a position as secretary general, sub-prefect, and eventually prefect. The chef de cabinet was not, however, a part of the administrative hierarchy. He supervised no one, and was responsible only to the prefects, who had a free hand in choosing him.

3. Other Prefectoral Employees. The staff of the prefecture was under the immediate direction of the secretary general and the final authority of the prefect. The prefectoral employees were appointed by the prefect on the basis of a competitive state examination and depended upon the prefect for their advancement. However, employees who were engaged in work which was entirely for the benefit of the department and not connected in any way with the state, had to pass examinationsprepared by the General Council and were paid exclusively out of department funds.

IV. THE GENERAL COUNCIL

A. Election

The General Council (conseil général) was the deliberative organ of the department. It was elected on the basis of universal male suffrage, each canton of the department selecting one member. The term of office was six years, one-half of the Council being elected every three years. The majority of the General Councilors were workers, small farmers, small businessmen, and employees, but since the post of councilor offered a good opportunity to remain in touch with the electorate, senators and deputies too sought office on the General Council.

B. Pay and Immunities

The Councilors had no legislative immunity and received no pay. They did after 1912 become eligible for certain allowances to defray the actual expenses of holding office.

C. Functioning

The General Council met at the prefecture. It had two regular sessions a year, the first between 15 April and 20 May, and the second between 15 August and 8 October. The first session had a maximum duration of two weeks. At the second session, which could last no longer than one month, the budget was voted and the Departmental Commission was named. The meetings of the Council were usually quiet, undramatic, and business-like.

One reason for this fact was that the Council was forbidden to discuss political matters, but this prohibition was often disregarded. If the Council's violation of the prohibition of political activity was to the advantage of the existing government, the government did nothing about it. If the Council criticized the government, the latter could take steps to nullify the action of the Council, but such a course was rarely expedient.

D. The Council and the Prefect

Except when his accounts were being examined, the prefect always had the right of admission to the General Council and could take part in its discussions. He had the right to make known his objections to any proposition. If he advanced a proposal, the General Council had at least to consider it. Furthermore, as has been mentioned above, the Council could not consider any question which had not first been examined by the prefect.

E. The Council's Powers of National Interest

1. The Tréveneuc Law. Under the Tréveneuc Law of 15 February 1872, the General Councils of France were given an important role to play in the event that the regularly constituted national parliament was illegally dissolved or postponed. The Tréveneuc Law provided that in such a case a provisional assembly should be established, composed of delegates elected by those General Councils able to hold elections, with two delegates from each department. The Law assigned to this provisional assembly the power to govern France.

However, this assembly could not be legally constituted unless at least one-half of the departments were represented, and it had to dissolve as soon as a majority of the members of the old legal National Assembly could meet anywhere on French territory, or as soon as a new National Assembly had been elected in accordance with the rules laid down by the General Councils.

The future application of the Tréveneuc Law is likely to encounter strong opposition because such application would produce a provisional assembly reflecting the political complexion of the General Councils elected in 1934 and 1937. The present French resistance movements would find no expression there.

2. Election of Senators. The General Councilors were members of the electoral college that chose the national senators.

3. Allocation of Taxes. The General Council was responsible for the division of the state taxes among the arrondissements.

F. The Council's Powers in Local Government

The Council had broad powers of local government. It deliberated upon and decided all matters which had to do exclusively with the department, such as the departmental budget, taxes, finances, public property, employees, roads and railroads of local interest, and public welfare. The General Council was required by law to give its advice to the prefect on certain matters; in other cases its advice was optional. On economic and administrative matters it had the right to express its views, provided that such expression did not degenerate into political activity.

G. Control over the Council

1. National Ministers. Where the actions of the General Council affected the interests of the state, as in measures concerning prisons or normal schools, the approval of the competent minister was necessary.

2. The Prefect. After 1926 the deliberations of the General Council were definitive in character; that is to say, the prefect had no control over them except to ask for their legal annulment on the grounds that they violated some national law or regulation. The fact that he thought the decision of the Council unwise did not constitute sufficient grounds for nullification. But even after 1926 the prefect could himself annul any deliberation arrived at during an illegally-convoked meeting of the General Council. It should be remarked also that certain types of legislation continued to require express approval of higher authority, particularly legislation proposing extraordinary budgets, taxation, or loan measures.

H. The Departmental Commission (commission départementale)

As the General Council met only twice a year, and then for only short sessions, it could not adequately supervise the activities of the prefect. For this reason the law of 10 August 1871 prescribed the establishment of the Departmental Commission (commission départementale). This commission was made up of four to seven persons elected by the General Council from among its own members. It met once a month, in closed session.

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organization already in existence, whereby in return for a financial subvention, the private welfare organization would provide the services required by the law. Such arrangements were entirely satisfactory to the Central Government, so long as the private organization measured up to the standards set by the State.

By this procedure, private organizations were paid by communes to administer such agencies as nurseries and night shelters, while the departments in many instances used private agencies to maintain the insane asylums and sanitaria which national law required them to establish. These agencies were inspected both by state inspectors and by the Departmental Inspector of Public Assistance.

Vichy has amalgamated all private agencies into one national aid society (Secours National). The latter, which is under the control of the State, is now the only private body authorized to issue appeals to public generosity and to accept donations. Membership in it is compulsory.

B. Chambers of Commerce

Chambers of Commerce occupy a much different position in France from that of Chambers of Commerce in the United States. The law of 9 April 1848 required that there be at least one Chamber of Commerce in each department. If more than one existed, the department was divided into separate areas of influence and membership. These Chambers were considered public establishments, and were created by a governmental decree. They acted as intermediaries between business interests and the government. Their advice had to be asked on such matters as commercial practices or the utility of certain public works. In addition, the Chambers of Commerce themselves often undertook certain public works, such as docks, ports, exchanges, industrial museums, and the like.

The prefect and the sub-prefect had the right of entry to the Chambers of Commerce and a consultative voice in their proceedings. However, as the department did not ordinarily constitute an area sufficiently large or economically integrated, it did not prove a satisfactory cadre for the activities of the Chambers of Commerce. The latter showed a strong tendency to unite along lines of economic regions, and in fact the government permitted the organization of seventeen regional Chambers shortly after World War I. By the decree of 28 September 1938 this number was increased to nineteen. The Vichy government has provided for regional Chambers of Commerce to correspond to its own regional divisions.

VI. LESSER UNITS OF GOVERNMENT IN THE THIRD REPUBLIC

A. The Arrondissement

1. Significance. The ninety departments were divided into *arrondissements*, the average number being three. In 1936 there were 231 *arrondissements*. Their chief significance was serving as electoral districts for the deputies.

2. The Sub-Prefect. In each *arrondissement*, except that in which the capital of the department was located, there was a sub-prefect (*sous-préfet*) appointed by the Chief of State on nomination by the Minister of the Interior. Before 1926 these sub-prefects were simply links in the chain of communications between the prefect and the inhabitants of the *arrondissement*. However, by legislation passed in 1926 the sub-prefects were given new responsibilities for reviewing budgets in those communes whose revenues did not exceed ten million francs. The prefect retained the right to annul or alter decisions of the sub-prefect.

3. The Conseil d'Arrondissement. The *arrondissement* also had a council, the *conseil d'arrondissement*, directly elected by universal suffrage. It had a minimum of nine members, each canton electing at least one member. In case there were fewer than nine cantons in the arrondissement, certain cantons elected more than one member. The term of office was six years. The *conseil d'arrondissement* held only one session a year, divided into two parts, immediately before and immediately

after the second regular meeting of the General Council. The sub-prefect had the right to participate in its meeting. The principal duty of this council was the division of the tax burden among the communes, but in this division its discretionary powers were extremely limited. The conseil d'arrondissement could also express its views to higher authorities on the public affairs of the arrondissement. As individuals, the councilors were members of the electoral college which selected the national senators.

B. The Canton

The next division in order of size was the canton, of which there were slightly over three thousand in 1936. Like the arrondissement, the canton had no legal personality, no property, no budget, and no important institutions. It served as the electoral district for the councilors of the department and of the arrondissement. It was the seat of the conseil de revision, which in the French system of compulsory military service occupied a position roughly similar to that of the local draft board in the United States. It was also the district of the justice of the peace (juge de paix). So far as public welfare was concerned, the canton was the administrative area of a public welfare committee (commission d'assistance).

C. The Commune

1. Description. The communes, of which there were 38,014 in 1936, were the basic units of local government in France.

All the territory of France was divided up among communes, and just as no land in the United States is outside a state, so no land in France was outside a commune. In France there were no separate types of government for villages, towns, and cities. The commune was the only form of basic local government, so that these existed under this same form of governmental organization hamlets with less than fifty inhabitants and cities whose population ran into the hundreds of thousands.

The history of the commune goes back into the antiquity of France and Frenchmen felt a real loyalty to it, in contrast to their lack of sentiment toward other units of local government mentioned above.

2. Government of the Commune.

a. The Municipal Council (conseil municipal). Regardless of population, all communes except Paris were subject to the law of 5 April 1884, and their administrative institutions were identical. There was a municipal council, elected by universal manhood suffrage, which consisted of ten to thirty-six members. This council was empowered to regulate by its deliberations all the affairs of the commune. It could give its advice, express its desires, make demands, and propose nominations to office.

b. The Mayor and Deputy-Mayors. The Municipal Council elected by secret vote, from among its members, the mayor (maire) and deputy-mayors (adjoints) of the commune. The mayor was responsible for the maintenance of public order in the commune, and had broad police powers. As agent of the central government he was charged with seeing to the publication and execution of national laws and policies within his commune. As agent of the commune, he was its chief administrative officer and was responsible for the execution of the deliberations of the municipal council. The mayor represented the commune in law, for the commune was endowed with a legal personality.

c. Control over the Commune. The commune was in many respects under tutelle administrative of higher authorities, usually the prefect or sub-prefect, in some matters under the General Council. Among the types of action which required the approval of higher authority were:

(1) Purchasing, selling, mortgaging, or leasing municipal property.

(2) Appropriating money, fixing tax-rates, borrowing money, and granting concessions.

(3) Establishing, naming, and altering streets, squares, and parks.

(4) Affecting in any way the domain of public utility enterprises.

d. The Prefect and the Commune. It is plain, therefore, that higher authorities outside the commune had a good deal to say about its internal affairs. The prefect could suspend the mayor or deputy-mayors for not more than one month. He could annul or suspend, though not modify, the operation of any municipal decree. Where certain action was mandatory upon the mayor by national law, and the mayor refused to perform it, the prefect could substitute himself for the mayor and perform the necessary action. The freedom and independence of the commune was, however, greater than this list of sanctions would indicate. For example, though the prefect could suspend the mayor, the trend was for this disciplinary measure to fall into disuse and to be applied only in especially serious cases. Moreover, though the prefect could substitute himself for the mayor, this procedure was hedged about with legal formalities and safeguards, so that it could only be applied if the mayor, after being warned of his delinquency, still refused to perform the act required by national law.

There were also several defenses against arbitrary action on the part of the prefect. The prefect was suable in administrative law when he acted without legal right or abused his legal rights. Appeals could be taken to his political superior, the Minister of the Interior, usually through the deputies and senators. Because of the existence of this political control, the tutelle of the prefect was exercised with less insistence over the large cities than over the small communes. The large cities ordinarily had sufficient political power to make the Minister of the Interior unwilling to offend them. Their mayors were usually deputies of considerable importance. Without the support of the Minister of the Interior the prefect did not dare to take a strong stand in such circumstances.

VII. DEPARTMENT AND NATIONAL ADMINISTRATION

A. Field Services within the Department

Within the department the various ministries of the national government maintained special officials to perform the local functions of these ministries. The administrative branches with the most numerous field services were the ministries of Justice, of Interior, of Public Works, of Finance, of Public Instruction, and of Postal, Telegraph, and Telephone Services.

Departments could make use of these technical services of the state in certain fields. For example, if a department was too poor to provide its own engineering services for public works, it could hire those of the central government. Many departments, unable to afford full-time paid technical services, took advantage of such arrangements.

B. Department and the Administration of Certain National Services

1. Communications. Under the Third Republic, the postal, telegraph, and telephone systems were administered by the Ministère des Postes, Télégraphes, et Téléphones, commonly known as the P.T.T. These systems are now under a secretariat of the Ministry of Industrial Production and Communications. The P.T.T. has a regional organization, each region comprising

several departments. In each region there is a director, assisted by a corps of experts; in each department the P.T.T. is under a departmental director. Inspectors and technical experts are also sometimes directly attached to the department. Departmental field officials of the P.T.T. are subordinate to the regional director, who ordinarily does not exercise close control over them.

The prefect under the Vichy regime continues to appoint departmental P.T.T. employees, and his general powers of control over the P.T.T. have not changed. Nevertheless, while he has not lost the right to intervene as the general administrative agent of the central government, he does not often interfere in the workings of the P.T.T.

2. Justice. The French administration of justice was entirely divorced from the control of the local governments. It was centralized under the national Ministry of Justice, which alone governed the appointment, pay, discipline, and organization of the courts from the lowest level to the highest. In the organization of justice, therefore, the department played a secondary role.

It is true that in some cases the areas of judicial organization corresponded to the areas of department divisions. The jurisdictional area of the justice of the peace was the canton; there was, in effect, one tribunal of first instance to each arrondissement; and there was one court of assize to each department, for the trial of criminal cases. But appeal jurisdictions and prosecuting services were organized on nondepartmental lines, and contact between the department as an administrative body and the Ministry of Justice as an administrative body was purposely lacking, because a separation of powers seemed more likely to guarantee the impartial administration both of justice and of the department.

3. Public Welfare. On the other hand, the department had an important role in public welfare in France. The main action of the state was to coordinate, control, and subsidize local assistance. The state performed these functions through it power to grant or withhold subventions and through the activities of inspectors of the Ministry of Public Health. Most French welfare laws provided that relief be administered on the departmental level, through the intermediary of the communes. The department was required by national welfare laws to maintain certain welfare institutions, e.g., insane asylums and tuberculosis sanatoria. Poor departments could make arrangements with neighboring departments to supply the service, by paying their share of the costs of the institution. Assistance to children was also administered by the department along with help to the insane, sick, aged, tubercular, etc. The prefecture was required to include bureaus to administer these services.

In general, however, welfare institutions had their field of action on the communal level. It was the mayors and members of the municipal council who were on the administrative commission of the Welfare Office (bureau d'assistance), but four of the members of its administrative commission were appointed by the prefect. Of the total cost of French public welfare, the communes paid about half, and the state and departments one-fourth each.

Vichy has highly centralized the French public welfare services. The coordinating agency is the Secretariat for Family and Health. Twenty regions have been laid out, but the department continues to exist as a significant part of the administrative framework.

4. Agriculture. In national agricultural adminstration under the Third Republic the function of the department was ill-defined. While certain aspects of agricultural administration still operated within the departmental cadre (for example, in each department there was a departmental Director of Agricultural Services), the Ministry of Agriculture in the greater part of its functions used a regional scheme of organization. The Chambers of Agriculture, corresponding roughly to the Chambers of Commerce, though organized by departments, found their most effective operating level to be above that of the department.

By the law of 2 December 1940 the Vichy government created a corporative organization of agriculture "to promote

and administer the common interests of peasant families."
The same law provided for a national corporative agricultural council made up of leaders of agriculutre from each region. The Minister of Agriculture and Food Supply had general control over supplies and rationing. In the beginning, the departments were allowed a considerable amount of autonomy, with the result that they hoarded a great part of the available food supplies. This forced the Vichy government to conduct the apportionment of foods over a larger area than the department, to ensure that surplus supplies in one department would actually get to another.

The law of 23 October 1941 made certain reforms in the collection and distribution of food, providing for the establishment of central committees for provisioning, as well as the formation of private national purchasing societies, the membership of which was under the control of the Secretary of State for Food Supply. A similar set-up was decreed for each region and department. The prefect, subject to the central authority, was to represent the Secretary of State for Food Supply within his own department. He was to be assisted by consultative councils. Regional and departmental representatives of the central committee, however, were to be appointed by the Secretary of State for Food Supply, whose authorization was also required before regional and departmental societies could be established.

VIII. VICHY CHANGES IN LOCAL GOVERNMENT

A. Direction of the Vichy Changes

Generally speaking, the French were satisfied with their system of local government. They felt that it was free from many of the defects which afflicted their central government. Nevertheless, the Vichy regime made some far-reaching changes in French local government, all of them to increase the powers of the central government and to abolish, insofar as possible, the election of local government officials.

B. The Department under Vichy

By a law of 12 October 1940 Vichy suspended the sessions of the General Councils, stating that these bodies engaged in an undue amount of political activity. The Departmental Commission also disappeared as a factor in the political life of the department. These moves left such a noticeable gap in the structure of French local government that Vichy saw the necessity of establishing a consultative body for the prefect, if only to preserve appearances. For this reason Vichy created a new Departmental Council (conseil départemental). Although it was proclaimed (law of 7 August 1942) that these new councils would have, with "limited exceptions," all the powers of the old General Councils, they proved in fact to be decidedly ineffective substitutes. The law provided that all their members were to be appointed by the Minister of the Interior from among the ranks of former members of General Councils, Municipal Councils, and other branches of local government.

They were to meet twice a year, not publicly, for sessions of not more than ten days. The prefect was required to be present, and nothing could be discussed without his permission. By December 1942 twelve of these new bodies had been appointed; by November 1943 the number had grown to fifty-two.

C. The Region

Another innovation by Vichy has been the establishment of a new administrative entity in France, the region. This change in the structure of administration was announced in the Journal Officiel (22 April 1941). By February 1944 seventeen regions had been established. At the head of each region is a regional prefect, who has under him the prefects of the departments in the region. The regional prefects are principally concerned with problems of police and food supply. They have made few changes in the ordinary routine of departmental administration. Each regional prefect is assisted by an Intendant of Police (Intendant de Police) and an Intendant of Economic Affairs (Intendant des Affaires Economiques). The regional prefect can suspend functionaries and agents of the state within his region.

D. The Commune

1. Appointment of Local Government Officials. In communes whose populations number between 2,000 and 10,000 the prefect now appoints the mayor, deputy-mayors, and councilors. In communes of more than 10,000 the Minister of the Interior does the appointing.

2. Dismissal of Local Government Officials. The Vichy government has dismissed thousands of mayors and councillors, replacing them by government-appointed "special delegations" (délégations spéciales). Dismissals have been affected not only in the larger communes, but also in the communes with less than 2,000 population, which had been allowed to retain the councils elected under the Third Republic. Municipal councilors in towns of less than 10,000 population can be dismissed by the prefect, and in larger towns by the Minister of the Interior. Many officials are declared to have resigned, but most of these resignations are probably involuntary and imposed by Vichy as a disciplinary measure.

3. Decrease in Powers of Local Government. Freedom of local government in France has disappeared. The mayors have become entirely subordinate to the prefect and can act only in accordance with his instructions.

E. The Prefect

1. Increase in the Prefect's Powers. Under the Vichy regime both the powers and the duties of the prefects have greatly increased. The prefects are now free from the checks formerly provided by the General Council and the Departmental Commission. They now have substantial control over the officials of the local government units and extensive disciplinary powers over governmental employees in the department. Vichy legislation, particularly in matters of police and rationing, has given the prefects enormous new responsibilities.

2. Turnover in Prefectoral Personnel. Turnover in prefectoral personnel has taken place on a large scale during the Vichy regime. Vichy has experienced difficulty in finding capable and loyal prefects. Many army and navy officers have to be appointed prefects in an effort to instill new blood in the system. Moreover, competent prefects are needed especially under Vichy, because of the greatly increased powers of the prefect.

IX. THE GOVERNMENT OF PARIS

A. Paris, the Department of the Seine, and Greater Paris

Before the outbreak of the second world war the City of Paris proper had a population of approximately three million. The Seine Department, which includes Paris and the two *arrondissements* of Saint-Denis and Sceaux, had a population of five million. The region of Greater Paris, recognized by a 1932 law providing for the creation of a unified plan for its development, contained all or parts of three departments and a total population of six million.

Under the Third Republic the City of Paris was subjected to a special regime by which the central government retained effective control. Throughout French history revolutionary activity has tended to center in Paris, which has given the central government an excuse for refusing to provide for the municipality of Paris the degree of local freedom allowed to other French cities.

B. Government of the City of Paris under the Third Republic

The City of Paris was divided into twenty *arrondissements*, administratively unlike other French *arrondissements*. They were subdivided into quarters. The Municipal Council of Paris was made up of ninety members, each *arrondissement* selecting from four to seven members. The term of office was six years. The Municipal Council had four ordinary sessions a year, but it was in extraordinary session the rest of the time. Its deliberations in practically all cases required the formal approbation of higher authority, usually the Prefect of the Department of the Seine.

In each *arrondissement* there was one mayor and from three to seven deputy-mayors (*adjoints*). These were all appointed by the central government. The mayor did not administer any communal property. He was only an agent of the central power, placed under the authority of the Prefect of the Department of the Seine, to facilitate the execution of the laws.

C. The General Council of the Department of the Seine

The Municipal Council of Paris was transformed into the General Council of the Department of the Seine by the addition of fifty councilors representing the *arrondissements* of Saint-Denis and Sceaux. This General Council had no regular sessions, being convoked by the Prefect of the Department of the Seine. Its deliberations were directly under his control and supervision. There was no Departmental Commission.

D. The Prefects

There were two prefects for Paris, the Prefect of Police and the Prefect of the Department of the Seine. The former was responsible for the police of the whole Paris area. The latter was as important as most cabinet ministers, having under his direction over 51,000 functionaries. In concert with the Municipal Council he watched over the interests of Paris. The two prefects together fulfilled the duties that a mayor of Paris would have had under the regular form of communal organization, but without any real control by a municipal council.

E. The Administration of Paris under the German Occupation

Paris under the German occupation has proved a particularly difficult problem in administration, especially from the standpoint of keeping the huge metropolis supplied with food and coal. The elective municipal council has been abolished, but no satisfactory substitute for it has been found. A law of 16 October 1941 provided for the establishment of a corps municipal made up of ninety councilors, appointed by the Minister of the Interior on the recommendation of the Prefect of the Seine. This corps municipal was originally proposed as a temporary expedient, but it is still in existence. It is entirely under the control of the Prefect of the Seine. All real governmental powers in Paris appear to be effectively in the hands of the two prefects, insofar as the occupation authorities allow French government to function at all.

While the Departmental Commission had numerous express and tacit powers by delegation from the General Council, its chief activity was to keep a close surveillance on the actions of the prefect, particularly his handling of departmental finances. At the beginning of each month the prefect had to give the Departmental Commission a detailed account of the charges against the departmental budget allowed and paid by him during the previous month.

This Commission exemplified the continual drive toward more local government in France. It was one of the main factors in keeping French local government under a system of checks and balances, rather than under a prefect with complete control.

V. DEPARTMENT AND PRIVATE ORGANIZATIONS

A. Private Welfare Organizations

Throughout France the private welfare agencies were a very important supplement to the official governmental services. The most prominent of these private groups were the Red Cross, the Catholic charitable orders, and the larger professional and veterans' organization.

These private charities were often subsidized by the departments and communes. Sometimes, instead of setting up a legally required welfare establishment themselves, the communes and departments would enter into an agreement with a private